



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Epiq Systems, Inc.,)

Opposer,)

v.)

EPIC RIVER, LLC,)

Applicant)

Opposition No. _____

Serial No. 77331005

NOTICE OF OPPOSITION

Epiq Systems, Inc. ("Opposer"), a Missouri corporation having a place of business at 501 Kansas Avenue, Kansas City, Kansas 66105 believes it will be damaged by the registration of the mark shown in Serial No. 77331005 and hereby opposes that registration under the provisions of 15 U.S.C. §1063.

Serial No. 77331005 was filed on November 15, 2007 for the mark EPIC RIVER & DESIGN for "developing and designing software for others for miscellaneous business solutions." As grounds for the Notice for Opposition, Opposer alleges that:

1. Opposer is in the business of offering a wide range of computer software and consulting and support services.
2. Through its predecessors-in-interest, Opposer has offered computer software, consulting and support services under the mark and name EPIQ continuously since at least as early as 1997.

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3. Since well prior to Applicant's first use of the challenged mark (hereafter "EPIC RIVER & DESIGN"), Opposer has extensively and continuously used, advertised and promoted its EPIQ mark for, *inter alia*, computer software and consulting and support services.

4. Applicant seeks registration for the EPIC RIVER & DESIGN mark for "developing and designing software for others for miscellaneous business solutions."

5. Upon information and belief, Applicant made no valid use of the mark challenged prior to the November 11, 2005 first use and first use in commerce dates alleged in the challenged application.

6. Upon information and belief, November 11, 2005 is the earliest priority date Applicant may legally claim in this case.

7. Applicant's EPIC RIVER & DESIGN mark so resembles Opposer's previously used name and mark, as to be likely, when used in connection with the services of Applicant, to cause confusion, or to cause mistake, or to deceive.

8. The continued registration of Applicant's EPIC RIVER & DESIGN mark on the Principal Register would be inconsistent with Opposer's rights under its aforementioned registrations and the common law, and would be damaging to Opposer.

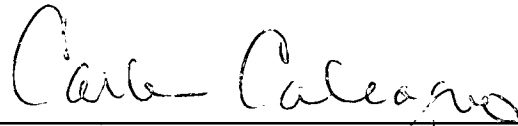
9. The Office is hereby authorized to charge Opposer's Deposit Account 501-542 the amounts owed in connection with this Opposition.

WHEREFORE, Opposer requests that Serial No. 77331005 be rejected, that judgment in favor of Opposer be entered, and that this Notice for Opposition be sustained in favor of Opposer.

Respectfully submitted,

Dated: December 3, 2008

By:

A handwritten signature in cursive script, appearing to read "Carla Calcagno", written over a horizontal line.

Carla C. Calcagno
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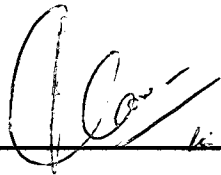
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing **NOTICE OF OPPOSITION** was mailed by U.S. mail, postage pre-paid, on this 3rd day of December, 2008 to the following:

Craig Neugeboren
Suite 200
1227 Spruce Street
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Colorado
United States
80302

Attorneys for Applicant

By : _____

 MATTHEW